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EXAMINER

BETTT, JACOB F

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/570,646

**Applicant(s)**

HAKALA ET AL.

**Examiner**

Jacob F. B  tit

**Art Unit**

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CS-100)  
Paper No(s)/Mail Date 1/21/09 and 11/3/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 24 November 2008 has been entered.

### ***Remarks***

2. In response to communications filed on 21 October 2008, claims 1, 15, 27, and 28 have been amended per the applicant's request. Claims 1-38 are presently pending in the application.
3. In response to communications filed on 24 November 2008, claims 1, 15, 27, and 28 have been amended per the applicant's request. Claims 1-38 are presently pending in the application.

### ***Information Disclosure Statement***

4. The document that is indicated as being "Chinese Office Action issued in parallel Chinese Patent Application No. 2006-525158 dated December 16, 2008" is in Japanese. Therefore it is believed this indication is in error and in fact the Office Action and the corresponding translation is for a Japanese patent application. Clarification is required.

### ***Specification***

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 27 is directed to a “computer readable medium”. The specification does not mention “medium” and as such does not provide antecedent basis for this phrase in the claim. It is assumed that the applicant desires the computer readable storage medium claimed in claim 27 to be a storage device which persistently stores computer programs. It is believed that the applicant does not desire to include transmission media or electronic signals when claiming computer readable storage medium. However the specification should be amended to include a definition for this term in accordance with MPEP §601(o). “While an applicant is not limited to the nomenclature used in the application as filed, he or she should make appropriate amendment of the specification whenever this nomenclature is departed from by amendment of the claims so as to have clear support or antecedent basis in the specification for the new terms appearing in the claims.”

#### ***Claim Objections***

6. Claims 15-38 are objected to because of the following informalities:

Claims 15-26 recite limitations that a “control unit” is “configured to” perform operations. These limitations appear to be a recitation of an intended use of the control unit and not operations that the control unit actively performs. “Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.” See MPEP §2106 II. C.

Claim 27 recites limitations of “instructions for naming a picture...” and instructions for: searching... adding... displaying... and manually editing”. These limitations appear to be a recitation of an intended use of the instructions and not operations that the instructions perform. “Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.” See MPEP §2106 II. C.

Claims 28-38 recite limitations that a “control unit” is “arranged to” perform operations. These limitations appear to be a recitation of an intended use of the control unit and not operations that the control unit actively performs. “Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.” See MPEP §2106 II. C.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-5, 7, 8, 10, 11, 13-19, 21, 22, 24-32, 34, 35, 37, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Abram et al. (U.S. patent No. 6,462,778 B1).

As to claim 1, Abram et al. teaches a method comprising:

among the data available in the mobile station, there is searched a given feature associated to picture produced by a camera of the mobile station (see column 4, lines 12-30, and see column 6, lines 13-56),

of a found feature, there is created a name suggestion that is added in the name suggestion list containing name suggestions for the picture file in order to create said name suggestion list (see column 4, lines 30-58),

the created name suggestion list is displayed in a user interface, where the picture file name is editable (see column 4, lines 41-58 and see column 6, lines 38-56), and

said picture file name is edited from a suggested name into another name in the user interface of the mobile station (see column 4, lines 22-25, “scrolling through the choices until the user’s choice is highlighted”).

As to claim 2, Abram et al. teaches wherein in the mobile station, there is searched date and time information associated to a moment of shooting, a name suggestion is created based on said time information, and the name suggestion is added in the picture file name suggestion list (see column 4, lines 41-58).

As to claim 3, Abram et al. teaches wherein in the mobile station, there is searched a calendar event that is at a given accuracy associated to the moment of shooting, and in case such a calendar event is found, said calendar event is added as a name suggestion in the picture file name suggestion list (see column 4, lines 31-40).

As to claim 4, Abram et al. teaches wherein in the mobile station, there is searched a file name of a previously saved picture file, and it is added as a name suggestion in the picture file name suggestion list (see column 4, lines 45-47).

As to claim 5, Abram et al. teaches wherein in the mobile station operational profile and settings, there is searched data associated to the picture according to certain criteria, and said data is used for creating a name suggestion in the picture file name suggestion list (see column 4, lines 13-30).

As to claim 7, Abram et al. teaches wherein the location information of the mobile station is searched, and based on said location information, there is created a name suggestion to be added in the picture file name suggestion list (see column 6, lines 13-56).

As to claim 8, Abram et al. teaches wherein in the mobile station, there is searched a name suggestion defined by a user, and said found name suggestion defined by the user is added in the picture file name suggestion list (see column 4, lines 13-30).

As to claim 10, Abram et al. teaches wherein in the user interface the picture file name is editable, and the picture file name is chosen among the displayed name suggestions by pointing (see column 4, lines 12-58).

As to claim 11, Abram et al. teaches wherein in the user interface the picture file name is editable, and the picture file name is created by editing the picture file name suggestion (see column 4, lines 12-30).

As to claim 13, Abram et al. teaches wherein the method is performed immediately after the picture is produced by the camera of the mobile station (see column 4, lines 3-11).

As to claim 14, Abram et al. teaches wherein the method is performed based on a previously saved picture that is already stored in a memory of the mobile station and contained in a picture file (see column 4, lines 3-11).

As to claim 15, Abram et al. teaches apparatus, comprising  
a control unit configured to search among data available in a mobile station a feature associated to a picture produced by a camera of the mobile station, (see column 4, lines 12-30 and column 6, lines 13-56),

to create a name suggestion based on said searched feature (see column 4, lines 30-58),  
to add the created name suggestion in a name suggestion list for the picture file and means for creating said name suggestion list (see column 4, lines 30-58),

to display the created name suggestion list in a user interface (see column 4, lines 41-58 and see column 6, lines 38-56), and



to manually edit the picture file name in the user interface by the user from a suggested name into another name in the user interface of the mobile station (see column 4, lines 22-25, “scrolling through the choices until the user’s choice is highlighted”).

As to claim 16, the applicant is referred to the citations for claim 2 above.

As to claim 17, the applicant is referred to the citations for claim 3 above.

As to claim 18, the applicant is referred to the citations for claim 4 above.

As to claim 19, the applicant is referred to the citations for claim 5 above.

As to claim 21, the applicant is referred to the citations for claim 7 above.

As to claim 22, the applicant is referred to the citations for claim 8 above.

As to claim 24, the applicant is referred to the citations for claim 10 above.

As to claim 25, the applicant is referred to the citations for claim 11 above.

As to claim 26, Abram et al. teaches wherein said means are software means (see column 2, lines 44-54).

As to claim 27, Abram et al. teaches a computer readable medium having instructions for naming a picture file recording a picture taken by a camera of a mobile station, said instructions for:

searching a given feature associated to the picture from the data available in the mobile station (see column 4, lines 12-30 and column 6, lines 13-56),

adding the searched feature in the picture file name suggestion list and for creating said name suggestion list (see column 4, lines 30-58),

displaying the name suggestion list in the user interface (see column 4, lines 30-58), and manually editing the picture file name selected in the user interface into another name in said user interface (see column 4, lines 41-58; see column 6, lines 38-56; and column 4, lines 22-25, “scrolling through the choices until the user’s choice is highlighted”).

As to claim 28, Abram et al. teaches apparatus, comprising a control unit, which control unit is arranged to

search among data available in a mobile station a feature associated to the picture produced by a camera of the mobile station (column 4, lines 12-30 and column 6, lines 13-56),

create a name suggestion based on said searched feature (see column 4, lines 30-58),

add a created name suggestion in the name suggestion list of the picture file and create said name suggestion list (see column 4, lines 30-58),

display the name suggestion list in a user interface (see column 4, lines 41-58 and see column 6, lines 38-56), and

receive a picture file name edited in the user interface of the mobile station from a suggested name into another name (see column 4, lines 41-58; see column 6, lines 38-56; and column 4, lines 22-25, “scrolling through the choices until the user’s choice is highlighted”).

As to claim 29, the applicant is referred to the citations for claim 2 above.

As to claim 30, the applicant is referred to the citations for claim 3 above.

As to claim 31, the applicant is referred to the citations for claim 4 above.

As to claim 32, the applicant is referred to the citations for claim 5 above.

As to claim 34, the applicant is referred to the citations for claim 7 above.

As to claim 35, the applicant is referred to the citations for claim 8 above.

As to claim 37, the applicant is referred to the citations for claim 10 above.

As to claim 38, the applicant is referred to the citations for claim 11 above.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6, 20, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abram et al. in view of Matsumura et al. (U.S. patent No. 6,222,583 B1).

As to claim 6, Abram et al. does not distinctly disclose wherein the picture is processed by an image recognition algorithm of the mobile station in order to produce a picture file name suggestion by means of the features recognized in the picture, and that the produced name suggestion is added in the picture file name suggestion list.

Matsumura et al. teaches this, see column 3, lines 16-27. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Abram et al. to include the teachings of Matsumura et al. because these teachings would identify objects within the images taken that can be individually accredited to the image.

As to claim 20, the applicant is referred to the citations for claim 6 above.

As to claim 33, the applicant is referred to the citations for claim 6 above.

Claims 9, 12, 23, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abram et al. in view of Fukahori (U.S. patent No. 6,469,698 B2).

As to claim 9, Abram et al. does not distinctly disclose wherein the name suggestions contained in the created picture file name suggestion list are arranged in an order of priority according to certain predetermined priority rules, so that a name suggestion with a highest priority is arranged first in the name suggestion list, and that a first name suggestion of the name suggestion list is set as a default name of the picture file in the user interface.

Fukahori teaches this, see column 9, lines 4-43). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Abram et al. to include the teachings of Fukahori because these teachings would give an order to multiple possible choices to be selected.

As to claim 12, Abram et al. does not distinctly disclose wherein the method is performed in the mobile station before producing the picture by the camera of the mobile station.

Fukahori teaches this, see column 8, line 55 through column 9, line 3. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Abram et al. to include the teachings of Fukahori because these teachings would allow the user to select a title once for one series of pictures removing the redundant selection ever time a new picture is taken.

As to claim 23, the applicant is referred to the citations for claim 9 above.

As to claim 36, the applicant is referred to the citations for claim 9 above.

***Response to Arguments***

11. Applicant's arguments filed 24 November 2008 have been fully considered but they are not persuasive.

In response to the applicant's arguments that "[the] Advisory Action seems to imply that the claims might be acceptable if it is made clear in the claims that the user interface is being used to insert character strings that did not previously exist in the suggestion list" (emphasis original), the arguments have been fully considered, but are not deemed persuasive. The claims still do not appear to require any character strings to be inserted that did not previously exist in the suggestion list. The user scrolling to another suggested name in a list of suggested names would edit "from a suggest name into another name in the user interface". Therefore, Abram et al. still anticipates the claim limitations of claims 1, 15, 27, and 28.

Further, the applicant is directed to the Pelletier (U.S. patent No. 6,690,883 B2) reference which teaches a self-annotating camera where the user can edit the annotations, see column 3, line 56 through column 4, line 2. This reference could be combined with Abram et al. to provide the added benefit of allowing a user to edit the name if the name does not exist in the list in a manner desired by the user.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. patent No. 6,690,883 B2 to Pelletier for teaching a self-annotating camera.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Bétit whose telephone number is (571)272-4075. The examiner can normally be reached on Monday through Friday 10:30 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571) 272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Jacob F Bétit/  
Examiner, Art Unit 2169

jfb  
4 Feb 2009